

## § 301.64-2

or otherwise designated as a quarantined area in accordance with § 301.64-3(b).

*Regulated article.* Any article listed in § 301.64-2 of otherwise designated as a regulated article in accordance with § 301.64-2(c).

*State.* Each of the several States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States and all other territories and possessions of the United States.

[48 FR 54580, Dec. 6, 1983, as amended at 57 FR 521, Jan. 7, 1992; 66 FR 21051, Apr. 27, 2001; 70 FR 37253, June 29, 2005; 72 FR 27950, May 18, 2007]

### § 301.64-2 Regulated articles.

(a) The following fruits are regulated articles:

Apple (*Malus sylvestris*)  
Apricot (*Prunus armeniaca*)  
Avocado (*Persea americana*)  
Calamondin orange (*X citrofortunella mitis*)  
Cherimoya (*Annona cherimola*)  
Citrus citron (*Citrus medica*)  
Custard apple (*Annona reticulata*)  
Grapefruit (*Citrus paradisi*)  
Guava (*Pisidium guajava*)  
Japanese plum (*Prunus salicina*)  
Lemon (*Citrus limon*) except Eureka, Lisbon, and Villa Franca cultivars (smooth-skinned sour lemon)  
Lime (*Citrus aurantiifolia*) except sour limes  
Mamey (*Mammea americana*)  
Mandarin orange (tangerine) (*Citrus reticulata*)  
Mango (*Mangifera indica*)  
Nectarine (*Prunus persica*)  
Peach (*Prunus persica*)  
Pear (*Pyrus communis*)  
Plum (*Prunus americana*)  
Pomegranate (*Punica granatum*)  
Prune, Plum (*Prunus domestica*)  
Plummelo (Shaddock) (*Citrus maxima*)  
Quince (*Cydonia oblonga*)  
Rose apple (*Syzygium jambos* (*Eugenia jambos*))  
Sour orange (*Citrus aurantium*)  
Sapote (*Casimiroa* spp.)  
Sapota, Sapodilla (Sapotaceae)  
Sargentia, yellow chapote (*Sargentia greggii*)  
Spanish plum, purple mombin or Ciruela (*Spondias* spp.)  
Sweet orange (*Citrus sinensis*)

Except that the list does not include any fruits which have been canned, or frozen below  $-17.8^{\circ}\text{C}$  ( $0^{\circ}\text{F}$ );

(b) Soil within the drip line of plants which are producing or have produced

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the fruits listed in paragraph (a) of this section, and

(c) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraph (a) or paragraph (b) of this section, when it is determined by an inspector that it presents a risk of spread of the Mexican fruit fly and the person in possession thereof has actual notice that the product, article or means of conveyance is subject to the restrictions of this section.

[48 FR 54580, Dec. 6, 1983, as amended at 64 FR 71269, Dec. 21, 1999]

### § 301.64-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a quarantined area in paragraph (c) of this section, each State, or each portion thereof, in which the Mexican fruit fly has been found by an inspector or in which the Deputy Administrator has reason to believe that the Mexican fruit fly is present, or each portion of a State which the Deputy Administrator deems necessary to regulate because of its proximity to the Mexican fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mexican fruit fly occurs. Less than an entire State will be designated as a quarantined area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a quarantined area will otherwise be adequate to prevent the artificial interstate spread of the Mexican fruit fly.

(b) The Deputy Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing such area. Written notice of such designation shall be given to the owner or person in possession of such nonquarantined